

**RE: TOWN OF Bradford, VERMONT
TOWN PLAN REVIEW
CASE # 16-5**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Bradford, Vermont Selectboard requested this Commission to review and approve the Bradford Town Plan adopted on January 28, 2016 by the Town. The Plan encompasses land use for the Town of Bradford, and is referred to hereinafter as the Plan.

Section 4350 provides that prior to approving a Plan, the Regional Commission find that the Plan meets four tests. These tests are that the Plan is:

- A. Consistent with the planning goals in Section 4302 of Chapter 117;
- B. Compatible with the Regional Plan;
- C. Compatible with the approved plans of other municipalities within the Region; and
- D. Inclusive of all elements required of a plan as set forth in 24 V.S.A., Section 4382.

Staff reviewed this Plan and offers the following information to the Board. The Regional Commission scheduled and held a Public Hearing on this review on March 23, 2016 in Woodstock, Vermont. This matter is now ready for decision.

FINDINGS

A. Is the Plan consistent with the planning goals?

NOTE: "Consistent with the goals" requires substantial progress toward attainment of the goals, unless the planning body determines that a particular goal is not relevant or attainable. If such a determination is made, the planning body shall identify the goal in the plan and describe the situation, explain why the goal is not relevant or attainable, and indicate what measures should be taken to mitigate any adverse effects of not making substantial progress toward that goal.

General Goals

1. Are municipal decisions guided by a coordinated, comprehensive planning process and policy framework?

Yes. The 2016 Bradford Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into fifteen distinct chapters, as required under 24 VSA § 4382.

2. Is citizen participation encouraged at all levels of the planning process?

Yes. The “Planning Commission is the public body responsible for preparing and revising a Town Plan, any individual can petition the municipal government to amend the Plan” (p. 4).

3. Is consideration being given to the use of resources and the consequences of growth and development?

Yes. As stated in the Plan, “development that would compromise these benefits is inappropriate and inconsistent with the town’s visions and goals” (p. 56).

4. Is the municipality working creatively together with other municipalities to develop and implement plans?

Yes. The Town recommends that “continued communication and cooperation between Bradford and its neighboring towns” and “to continue participation in the Two Rivers-Ottawaquechee Regional Commission provided TRORC continues to serve the needs of the Town of Bradford” (p. 107).

Specific Goals

A plan for a municipality may be consistent with the goals established in section 4302 of this title, which are:

1. Planning for development needs to be conducted so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

a. Is intensive residential development being encouraged primarily in areas that are identified as community centers, and is strip development along highways being discouraged?

Yes, in part. The Town’s policy is to “support the development of multi-family housing within or adjacent to the Downtown, including accessory dwelling units” (p. 21). In regards to strip development, it was mentioned briefly in the “Economic Relationship between Central Business District and Lower Plain Commercial District” section of the “Land Use” element, but there is no specific goal that addresses discouragement of strip development along highways (p. 94).

b. Is economic growth being encouraged in locally designated growth areas or being employed to revitalize existing urban or village centers, or both?

Yes. Mentioned through the “Land Use” element of the Plan, Bradford is encouraging mixed-used development in its two main areas of Town, the Central Business District and

the Lower Plain Commercial Area. Two of the Plan's policies are to "support and maintain Bradford's Designated Downtown" (p. 96) and to "encourage the development of businesses in the Lower Plain Commercial Area that are compatible with and complimentary (sic) to those located in the Central Business Area" (p. 99).

- c. Are public investments, including the construction or expansion of infrastructure, being made so as to reinforce the general character and planned growth patterns of the area?**

Yes. The Town's goal is to "provide orderly growth in the downtown by planning for transportation, water, sewage, and public recreation facilities through public funding" (p. 95). This goal is reiterated throughout the Plan so development does not exceed current services in the Town.

- 2. Does the Plan provide for a strong and diverse economy; provide satisfying and rewarding job opportunities that maintain high environmental standards; and expand economic opportunities in areas with high unemployment or low per capita incomes?**

Yes. A goal for the Designated Downtown is to create "a diverse economic base which provides jobs and sustains the local economy" and a policy states that "cost-effective infrastructure improvements to Bradford's historic downtown area...will encourage economic development and benefit existing businesses" (p. 13).

- 3. Does the Plan broaden access to education and vocational training opportunities for residents identified in the Plan?**

Yes. The Plan states the need "to provide a safe and secure learning environment where quality educational opportunities are provided to all students" (p. 24). The Plan also addresses the lack of vocational or adult/continuing education opportunities for the people of Bradford, but wants "to encourage the offering of college-level and/or technical educational opportunities in Bradford" (p. 24).

- 4. Planning needs to provide for safe, convenient, economic and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.**

- a. Has the need for public transit been addressed?**

Yes. The "Transportation" section of the Plan addresses that the public transportation company Stagecoach has several routes and stops in Bradford. These routes bring Bradford residents to West Lebanon, White River Junction, and to Dartmouth-Hitchcock for shopping and employment. They also have a newly expanded Park and Ride off of I-91 that now includes bike racks and electric car charging stations.

- b. Does the Plan provide that highways, air, rail, and other means of transportation be mutually supportive, balanced and integrated?**

Yes, in part. It is Town policy to “cooperate with other communities in the region through the TRORC and its Transportation Advisory Committee to ensure that the region’s transportation system is developed in a coordinated manner that recognizes and balances the needs and desires of each community” (p. 82). The Plan does address its rail services and how it is vital to their industrial park, but it does not serve commuters in the town. There is no mention of air services in the Plan.

- 5. Planning needs to identify, protect, and preserve important natural and historic features of the community’s landscape.**

- a. Have special areas been identified, including significant natural and fragile areas; outstanding water resources, including lakes, rivers, aquifers, shorelands and wetlands; significant scenic roads, waterways, and views; and important historic structures, sites, or districts, archaeological sites and archaeologically sensitive areas?**

Yes. The “Natural Resources” element provides thorough discussions on each of the following resources within its many subsections: water resources, wetlands, vernal pools, ponds, flood plains, riparian buffers, plant communities, forestry, agriculture, wildlife resources, mineral resources, scenic and historic resources, and soils and topography (pp. 58- 74).

- 6. Planning needs to maintain and improve the quality of air, water, wildlife and land resources.**

- a. Are air, water, wildlife, mineral and land resources being planned for development and use under the principles set forth in Act 250?**

Yes. The Town stated that “these natural resources provide economic, recreational, and aesthetic benefits to both residents and visitors. Development that would compromise these benefits is inappropriate and inconsistent with the town’s vision and goals” (p. 56).

- 7. Does the Plan encourage the efficient use of energy and the development of renewable energy resources?**

Yes. The Plan has stated in several goals “to promote the construction of energy efficient homes and buildings,” and “to reduce energy consumption in all Town and school buildings” (p. 53).

- 8. Planning needs to maintain and enhance recreational opportunities for residents and visitors.**

- a. Is growth being planned so as not to significantly diminish the value and availability of outdoor recreational activities?**

Yes. The Town has set a goal “to preserve, promote, and enhance the cultural and recreational values of the Town in order to encourage the use of these resources by the local population and visitors to Bradford” (p. 33).

- b. Has public access to non-commercial outdoor recreational opportunities, such as lakes and hiking trails, been identified, provided, and protected wherever appropriate?**

Yes. The Plan addresses non-commercial outdoor recreational opportunities in its “Transportation” policies that recommends “widening of roadways to accommodate safe use by bicyclists with traffic calming measures,” “to retain Class 4 roads, trails, and other public rights-of-way as public resources,” and “to encourage streetscaping and widening of sidewalks Downtown to enhance pedestrian safety” (p. 83).

9. Planning needs to encourage and strengthen agricultural and forest industries.

- a. Have strategies to protect long-term viability of agriculture and forestlands been encouraged, including maintaining low overall density?**

Yes. The Plan looks to “encourage the conservation, wise use, and management of the Town’s agricultural resources” (p. 70) and to “encourage the conservation and wise management of forests within the Town” (p. 68).

- b. Has the manufacture and marketing of value added agricultural and forest products been encouraged?**

Yes. The Town has set a policy in its “Agriculture” section to “support local marketing and value-added agricultural and forest products” (p. 70). However, the Town wants to ensure that “it is conducted at a scale consistent with historical agricultural practices in Bradford” (p. 70).

- c. Is the use of locally-grown food products encouraged?**

Yes, one of the Town’s goal is to “encourage the growth, marketing, and consumption of local foods” (p. 69). Bradford has also set a policy to “support agriculture and the production of locally grown food, provided that it is consistent with historical agricultural practices in Bradford” (p. 70).

- d. Are sound forest and agricultural management practices encouraged?**

Yes. Town policy states that they are to “encourage foresters and loggers to adhere to ‘best management practices’ for maintaining water quality and minimizing soil erosion on logging jobs” (p. 68).

e. Are public investments planned so as to minimize development pressure on agricultural and forest land?

Yes, the Town has set a policy to “encourage clustering of dwelling units and accessory buildings or structures, and proposed lots for development or sale so that they conserve the maximum feasible amount of farm, pasture, or woodland and discourage fragmentation of agricultural and forest lands” (p. 70).

10. Planning needs to provide for the wise and efficient use of natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetics of the area.

a. Have strategies to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities been addressed?

Yes. Referring to mineral resources, the Plan’s goal is to “support extraction and processing of mineral resources only where such activities benefit the public and are appropriately managed” (p. 72).

11. Planning needs to ensure the availability of safe and affordable housing.

a. Is housing encouraged to meet the needs of a diversity of social and income groups, particularly for those citizens of low and moderate income?

No. It is stated within the Plan that there is “a substantial amount of concern on the part of residents that there is too much affordable housing in Bradford” (p. 17). Although the Plan does allocate areas appropriate for high density multi-family housing, which by its nature is often more affordable. In addition, the Plan does touch on elderly housing to “encourage the development of affordable senior housing within the Town” (p. 20). Otherwise, the Plan does not state how they will encourage the development of affordable housing to meet the needs of different social and income groups in the Town.

b. Are sites for multi-family and manufactured housing readily available in similar locations to those generally used for single-family conventional dwellings?

Yes. Town policy is to “support the development of multi-family housing within or adjacent to the Downtown” and “that the location of housing...should be planned with due regard to traditional settlement patterns, the physical limitations of the site, and its proximity to current or planned public and private services such as roads and commercial/service centers” (p. 21).

- c. Does the Plan provide for new and rehabilitated housing to be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities?**

Yes. The Plan touches on this several time in its policies. They support “housing within or adjacent to the Downtown” and to “ensure that the timing and rate at which new housing units are created does not exceed the community’s ability to provide adequate public facilities.” It also states that “it is the policy of the Town to encourage the location of future housing so as to complement existing or planned employment patterns, travel times, and energy requirements” (p. 21).

- d. Does the plan provide for accessory apartments within or attached to single family residences allowing close proximity to cost-effective care and supervision for relatives or disabled or elderly persons?**

Yes, in part. The Plan only mentions that accessory dwelling units be placed near the Downtown area. It does not say anything specifically that this type of housing be for the benefit of disabled and elderly persons. Future iterations of the Plan must address this issue.

- 12. Planning needs to plan for, finance, and provide an efficient system of public facilities and services to meet future needs.**

- a. Do public facilities and services address plans for such services as fire and police protection, emergency medical services, schools, water supply and sewage and solid waste disposal?**

Yes. The “Utilities and Facilities” and “Health and Emergency Services” elements discuss matter related to Bradford’s community buildings, public water, wastewater treatment, solid waste management, cemeteries, communication facilities, healthcare facilities, fire protection services, police protection services, and other emergency medical services (pp. 25-37).

- b. Does the rate of growth exceed the ability of the town and the area to provide facilities and services?**

No. The Town has set a policy to “ensure that the timing and rate at which new housing units are created does not exceed the community’s ability to provide adequate public facilities (e.g. schools and municipal services)” (p. 21).

- 13. Planning needs to ensure the availability of safe and affordable child care and integrate child care issues into the planning process, including childcare financing, infrastructure, business assistance for child care providers, and child care work force development.**

Yes, in part. The Plan states that “Bradford offers more options for childcare than most towns in the surrounding area” (p. 20). There are no specific goals or policies that address childcare to ensure the availability of safe and affordable child care. Future iterations of the Plan must articulate some goals and policies on this issue.

B. Is the Municipal Plan Compatible With the Regional Plan?

The Two Rivers-Ottauquechee Regional Plan was adopted on September 8, 2015 and it will remain in effect until October 13, 2023.

The Bradford Town Plan is found to be compatible with the Two Rivers-Ottauquechee Regional Plan. As used in this review, the term "compatible with" has been defined (in Section 4302) as meaning: that the Plan in question, as implemented, will not significantly reduce the desired effect of the implementation of the other plan (emphasis added). If a Plan, as implemented, will significantly reduce the desired effect of the other Plan (in this case, the Regional Plan), the Plan may be considered compatible if it includes the following:

- (a) a statement that identifies the ways that it will significantly reduce the desired effect of the other Plan;
- (b) an explanation of why any incompatible portion of the Plan in question is essential to the desired effect of the Plan as a whole;
- (c) an explanation of why, with respect to any incompatible portion of the Plan in question, there is no reasonable alternative way to achieve the desired effect of the Plan; and
- (d) an explanation of how any incompatible portion of the Plan in question has been structured to mitigate its detrimental effects on the implementation of the other Plan.

C. Is the Plan Compatible with Approved Plans of other Municipalities in the Region?

At the time of review of this Bradford Town Plan, the following municipalities have Plans approved by the Two Rivers-Ottauquechee Regional Commission that are in effect:

Barnard, Bethel, Braintree, Bridgewater, Brookfield, Chelsea, Fairlee, Granville, Hancock, Hartford, Hartland, Newbury, Norwich, Pittsfield, Plymouth, Randolph, Rochester, Royalton, Sharon, Stockbridge, Strafford, Topsham, Tunbridge, Vershire, West Fairlee, Woodstock.

These approval decisions and Plans have been reviewed in the context of the above question. Based on this, we find the Bradford Town Plan to be compatible with these Plans.

D. Municipal Plan Elements - Are They Included?

A plan for a municipality shall include the following required elements. These elements or components are, in summary:

- (a) a statement of overall objectives and policies;
- (b) a land use plan;
- (c) a transportation plan;
- (d) a utility and facility plan;
- (e) a statement of policies for "special resources";
- (f) an education plan;
- (g) an implementation program;
- (h) a statement on relationship of plan to trends and plans for adjacent towns and the region;
- (i) an energy plan; and
- (j) a housing plan.
- (k) an economic development plan
- (l) a flood resiliency plan

1. **A statement of objectives, policies and programs of the municipality, to guide the future growth and development of land, public services and facilities, and to protect the environment.**

The goals of the plan are listed in the "Introduction" element of the Plan. It includes 10 goals that serve as overarching objectives for the Plan in meeting state statutory requirements and fulfilling the Town's present and future needs (p. 5). Each subsequent element of the Plan contains a listing of goals, policies, and recommendations that will guide future growth and development within Bradford while also protecting the environment.

2. **A land use plan, consisting of a map and statement present and prospective land use, indicating those areas proposed for forests, recreation, agriculture, (using 6 VSA Section 8), residence, commerce, industry, public and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes; and setting forth the present and prospective location, amount, intensity and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and services.**

The "Land Use" element serves as a land use plan (pp. 92-105). Future Land Use and Current Land Use maps can be found in the appendix.

3. **A transportation plan, consisting of a map and a statement of present and prospective transportation and circulation facilities showing existing and proposed highways and streets by type and character of improvement, and where pertinent, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, with indications of priority of need.**

The “Transportation” element serves as a transportation plan (pp. 74-84). A Transportation map can be found in the appendix.

4. **A utility and facility plan, consisting of a map and statement of present and prospective community facilities and public utilities showing existing and proposed educational, recreational and other public sites, buildings and facilities, including hospitals, libraries, power generating plants and transmission lines, water supply, sewage disposal, refuse disposal, storm drainage and other similar facilities and activities, and recommendations to meet future needs for community facilities and services, with indications of priority of need, costs and methods of financing.**

The “Utilities and Facilities” element serves as a utility and facility plan (pp. 25-33). A utilities and facilities map can be found in the appendix.

5. **A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources.**

The “Natural Resources” element serves as a statement on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources in Bradford (pp. 56-74). A natural resources map can be found in the appendix.

6. **An educational facilities plan consisting of a map and a statement of present and projected uses and the local public school system.**

The “Education” element contains an educational facilities plan (pp. 21-24). The educational facilities information is included within the facilities map that is located in the appendix.

7. **A recommended program for the implementation of the objectives of the development plan.**

The “Implementation” element contains information on the regulatory and non-regulatory implementation methods that may be employed to further the Plan’s objectives, along with the parties responsible for implementation (pp. 107-108).

8. **A statement indicating how the plan relates to development trends and plans for adjacent municipalities, areas and the region developed under Title 24.**

The “Relationship to Other Plans” element contains information on how the current Plan relates to plans of adjacent municipalities within the TRORC region as well as with the Regional Plan (p. 106).

9. **An energy plan, including an analysis of energy resources, needs, scarcities, costs and problems within the municipality, a statement of policy on the conservation of energy, including programs, such as thermal integrity standards for buildings, to implement that policy, a statement of policy on the development of renewable**

energy resources, a statement of policy on patterns and densities of land use likely to result in conservation of energy.

The “Energy” element includes a thorough analysis of energy issues within Bradford, this includes looking at energy demands, a discussion on renewable energy resources, regulatory considerations, residential energy efficiency measures, the role of the Town in energy efficiency, and the nexus between energy and transportation policy (pp. 38-55).

- 10. A housing element that shall include a recommended program for addressing low and moderate income persons' housing needs as identified by the regional planning commission pursuant to Section 4348a (a) (9) of Title 24.**

The “Housing” element addresses the community’s needs for low to moderate income housing (pp. 14-20).

- 11. An economic development element that describes present economic conditions and the location, type and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.**

The “Economic Base” element describes Bradford’s current state of the Town’s economy and the desired direction of economic development, along with policies and recommendations for economic growth (pp. 9-13).

- 12. A flood resilience plan that identifies flood hazard and fluvial erosion hazard areas and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and recommends policies and strategies to protect the areas identified and designated and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.**

The “Natural Resources” element contains a section on “Floodplains and Flood Hazard Areas” as well as “Flooding and Land Use” (pp. 62-65). Together, these serve as the flood resilience plan for the Town.

CONCLUSION

Based upon the above findings, it is the conclusion of the Regional Commission that the Bradford Town Plan be approved. This approval shall remain in effect until the date that the Plan expires or until it is amended, whichever occurs first.

DISCUSSION

The Regional Commission appreciates the opportunity to formally evaluate the Bradford Town Plan. The Plan is all-inclusive, reflecting the community’s planning capabilities and the import that they assign to issues around development.

Prior to issuing a Permit under Act 250, the District Environmental Commission or Environmental Court must find that the project is in conformance with the duly adopted Town Plan. This Plan includes clear, unambiguous language regarding current and proposed land use that can be reviewed by these bodies as part of an Act 250 project application. It is important that future Bradford Town Plans maintain their currency as Plans that have been found to be vague, unclear, or ambiguous do not carry much weight in Act 250 permit proceedings.

The 2004 Vermont State Legislature passed Act 115 that made significant amendments to the Vermont Municipal and Regional Planning and Development Act. The most notable changes, in the context of this review, are that Town Plan and Zoning Bylaws are now held to a higher standard of consistency. From 24 V.S.A. §4303 Definitions:

“ **‘Conformance with the Plan’** means a proposed implementation tool, including a bylaw or bylaw amendment that is in accord with the municipal plan in effect at the time of adoption, when the bylaw or bylaw amendment includes all the following:

- (a) Makes progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan.
- (b) Provides for proposed future land uses, densities, and intensities of development contained in the municipal plan.
- (c) Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.”

The 2016 Bradford Town Plan is an improvement from the 2009 Town Plan. The Land Use element was modified to include language seeking to clarify that primary retail is not appropriate south of the Route 5/25 intersection. The previous Bradford Town Plan made no effort to discourage retail in the Lower Plain which represented a longstanding conflict with state planning law and the Regional Plan. New elements have been included for further discussion based on findings from the last Town Plan. Public transit was included in the “Transportation” element that analyzed how the transportation company Stagecoach has several routes within the town to bring people to work or to shop in West Lebanon, White River Junction, and Hanover, NH. Bradford has included goals and policies to mitigate development when there are not enough services in town, such as water and sewer. Scenic and historic features was a section addressed in the “Natural Resources” element. The “Energy” element of the Plan has increased in size. New sections were added to discuss renewable energy and how they could be implemented in the town. Several new goals and policies were added to this element, a great improvement from the 2009 Town Plan.

Certain areas within the Plan would benefit from greater discussion or inclusion, and must be addressed in future iterations of the Plan, as noted below:

- The “Housing” element does not adequately address how the Town would encourage the development of affordable housing. It was stated that there was concern among residents that there was too much affordable housing in the Town (p. 17). While the Plan contains data on available childcare facilities, there is also no discussion on how to provide safe

and affordable child care in Bradford. Childcare and affordable housing must be more completely addressed in future versions of the Plan.

- In the “Land Use” element, there is no specific goal or policy that discourages strip development along highways in Bradford. While language was added that specifically encourages primary retail development in the Lower Plain north of the Route 5/25 intersection (which is an improvement over the previous Plan), it is not clear as to whether the types of development that often lead to strip development are actually discouraged. Efforts to strengthen the Plan’s language relating to a discouragement of strip development should be included with the next revision of the Plan.
- The “Relationship to Other Plans” does not discuss potential differences between Bradford’s land use regulations and adjacent towns.

Dated this 23rd day of March 2016 at Woodstock, Vermont.

By: Peter G. Gregory
Peter G. Gregory, AICP, Executive Director

